

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER LITIGATION

Case No. [18-md-02843-VC](#) (JSC)

**DISCOVERY ORDER NO. 1**

This document relates to:  
  
ALL ACTIONS

This MDL matter has been assigned to this Court for discovery management. As discussed at the discovery status conference held on April 17, 2020, the Court orders as follows:

1. The parties shall file a stipulated ESI Protocol on or before April 24, 2020. If there are discrete issues on which they are unable to agree by that date, then on April 24, 2020 they shall file a stipulation as to what is agreed upon, and on April 27, 2020, they shall jointly file a letter that sets forth their respective positions (and last and final offer) as to the outstanding issues.

They shall present to each other their portions of the letter brief on the outstanding issues by 5:00 p.m. on Friday, April 24, 2020 and then shall meet and confer by video on April 27, 2020, revise their respective positions as needed, and jointly submit the letter on the outstanding issues by 5:00 p.m. on April 27, 2020. Defendants shall be responsible for submitting the letter brief.

2. The parties shall submit a Rule 502(d) stipulation pursuant to the same deadlines and process as applies to the ESI Protocol.

3. Over the next two weeks, the parties shall meet and confer and reach agreement on the following:

- a) Custodians to be searched, and
- b) Document productions that do not require search terms and when such productions

1 can be made.

2 4. Over the next two weeks, the parties shall meet and confer and Defendants shall  
3 share how the relevant ESI is maintained and where. Each side is encouraged to include their  
4 experts (including in-house experts) to ensure that the conversations are robust and productive.

5 5. The parties shall meet and confer by video regarding the above issues, and shall  
6 plan on doing so at least on Monday, Wednesday, and Friday unless they agree fewer meetings are  
7 necessary. Plaintiffs are responsible for scheduling the first meet and confer, Defendants the  
8 second, and shall thereafter take turns with respect to scheduling. All sessions must be by video,  
9 if available.

10 6. The Court will hold a further discovery status conference with the parties on May  
11 1, 2020 at 9:30 a.m. and intends to hold them every two weeks as needed. The Zoom Webinar  
12 information for attendees (members of the public) will be posted on the docket and the public  
13 calendar and the participants (panelists) will be invited by email. For each conference, the parties  
14 shall submit a joint status update by noon the day before the conference. The joint submission  
15 shall update the Court on the status of the tasks the Court ordered the parties to complete at the last  
16 status conference, as well as identify the new tasks that should be performed during the next two  
17 weeks. The parties shall exchange their portions of the joint submissions by noon two days before  
18 the status conference (i.e., by noon on April 29, 2020) and then meet and confer by video no later  
19 than 9:00 a.m. on the date the joint submission is due and then revise their respective portions  
20 accordingly such that a joint submission is filed by noon the day before the status conference (i.e.,  
21 April 30, 2020). Each party's portion of the joint submission shall not exceed four pages with no  
22 more than 10 pages of attachments (if any).

23 7. The next status conferences following the May 1 conference shall be May 15 at  
24 9:00 a.m. and May 29 at 1:00 p.m.

25 **IT IS SO ORDERED.**

26 Dated: April 17, 2020

27   
28 JACQUELINE SCOTT CORLEY  
United States Magistrate Judge